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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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LINDA MARSHALL, BEN DAMPIOS, AL	:	
SPILLOWAY, BERNIE APOTHEKER, HARRY	:	Civ. No. 07-CV-6950 (LAP)
ESPOSITO and BRENT WENTZ, on behalf of	:	
themselves and all others similarly situated,	:	
 Plaintiffs,		
 v.		
MILBERG WEISS BERSHAD & SCHULMAN	:	
LLP, LERACH COUGHLIN STOIA GELLER	:	
ROUDMAN & ROBBINS LLP, MELVYN I.	:	
WEISS, DAVID J. BERSHAD, and STEVEN G.	:	
SCHULMAN, DOES 1 THROUGH 15,	:	
 Defendants.		
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**RESPONSE AND
 OBJECTION OF THE
 COUGHLIN FIRM TO
 THE STIPULATION AND
 [PROPOSED] ORDER
 EXTENDING THE TIME
 TO ANSWER, MORE OR
 OTHERWISE RESPOND
 TO COMPLAINT**

Defendant Lerach Coughlin Stoia Geller Rudman & Robbins LLP (the “Coughlin Firm”) hereby responds and objects to the Stipulation and [Proposed] Order Extending the Time to Answer, Move or Otherwise Respond to Complaint, filed March 27, 2008 and refilled March 28, 2008 (the “Stipulation and Proposed Order”).

The Stipulation and Proposed Order sets forth an agreement among certain parties to this litigation regarding plaintiffs' right to file an Amended Complaint and setting forth when defendants would have to respond to that Amended Complaint. The Coughlin Firm is not a party to this agreement and was not consulted on the terms of the Stipulation and Proposed Order before it was filed. Because the Stipulation and Proposed Order is at odds with the Stipulation – signed by the plaintiffs – So Ordered by this Court on October 30, 2007 (the “October 30 Stipulation and Order”) and with filings made by all the parties in connection with the motion of the United States to intervene in these proceedings and have them stayed dated February 28, 2008 (the “Motion to Stay”), the Coughlin Firm must object to certain language in the Stipulation and Proposed Order, unless it is clarified to bring it in line with previous proceedings in this action.

As allowed by the Stipulation that was So Ordered by this Court on October 30, 2007, the Coughlin Firm on October 30, 2007 filed a motion to dismiss this action as against the Coughlin Firm only, on grounds unique to the Coughlin Firm. Plaintiffs responded to that motion, briefing was completed and the motion remains *sub judice*. In connection with the Motion to Stay, filings made by certain parties expressly stated that the Motion to Stay was not intended to modify the October 30 Stipulation and Order and that the parties believed that the Coughlin Firm's motion to dismiss the original complaint should go forward to decision. *See Memorandum of Law of the United States in support of the Motion to Intervene and Stay at p. 19; Response of Milberg Weiss LLP and Melvyn I. Weiss To Plaintiffs' Partial Opposition To The Government's Motion To Intervene And Stay All Proceedings, dated March 14, 2008, at p. 2.* All other parties

were merely silent on the question -- no party argued that the Coughlin Firm's motion should be superseded by an amended complaint.

The Stipulation and Proposed Order provides in paragraph 1 that plaintiffs will file an Amended Complaint, and in paragraph 2 sets forth a schedule for defendants to respond to that Amended Complaint. These provisions do not distinguish between the various defendants. The Coughlin Firm did not agree to these provisions and objects to application of them to the Coughlin Firm. The motion to dismiss the original complaint filed by the Coughlin Firm, which was on grounds unique to the Coughlin Firm and would not be superseded or affected by the Amended Complaint, should go forward to decision by this Court. Any question regarding an Amended Complaint applied to the Coughlin Firm, which the Coughlin Firm opposes, should await decision on the Coughlin Firm's motion to dismiss the original complaint, which the Coughlin Firm requested be dismissed with prejudice and without leave to replead. The Coughlin Firm requests that the Court modify the provisions of the Stipulation and Proposed Order to reflect that the Coughlin Firm's motion to dismiss the original complaint be modified to clarify that the Coughlin Firm's motion to dismiss may go forward to decision by this Court, and that that decision will control the right of plaintiffs to assert any Amended Complaint against the Coughlin Firm.

Dated: New York, New York
March 28, 2008

EISEMAN LEVINE LEHRHAUPT
& KAKOYIANNIS, P.C.

By: _____/s/
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